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COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

TRIAL COURT DIVISION  
ESSEX SUPERIOR COURT  
CIVIL ACTION #: 1577CV01902A

EUGENE PELIKOV  
Plaintiff,

vs.

GOLD AND FARB, INC., LEV GOLDFARB,  
ALEXANDER GOLDFARB AND  
LYDMILA ROGALIN  
Defendants.

✓ 60 **ALLOWED**  
day extension  
MAY 5 2016 127

Timothy Q. Feeley  
Assoc. Justice

DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S  
DISCOVERY REQUESTS

NOW COME, the Defendants, Gold and Farb, Inc., Lev Goldfarb, Alexander Goldfarb  
and Lydmila Rogalin and hereby respectfully request this Court to extend the deadline by which  
the Defendants shall respond to the Plaintiff's discovery.

In support of such request the movants state as follows:

1. The Plaintiff commenced this case on or about November 19, 2015, by filing of a Complaint.
2. The Defendants filed their answer on or about January 11, 2016.
3. On or about March 20, 2016, the Plaintiff served on the Defendants eleven discovery requests.
4. On or about March 31, 2016, the Defendant responded to the Plaintiff's requests for admission.
5. On or about April 8, 2016, prior to the expiration of the deadline for the responses to the first set of discovery, the Plaintiff served on the Defendant additional three sets of interrogatories.

6. On or about April 11, 2016, the Defendants' counsel, who is a solo practitioner with a busy litigation and bankruptcy practice, sent the Plaintiff's counsel, Attorney Valentin Gurvits a letter requesting an extension of time to provide the Defendants' responses to the Plaintiff's twelve sets of discovery requests. The letter was sent prior to the expiration of the deadline for responses to the first set of discovery requests.

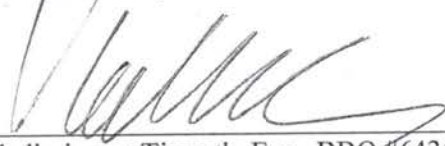
Exhibit "A"

7. On or about April 11, 2016, counsel for the Plaintiff informed the undersigned of his client's unwillingness to grant any extension. Exhibit "B"
8. The Defendant, Gold and Farb, Inc., is a small corporation which operates a small Eastern European delicatessen. The Plaintiff is a minority shareholder of Gold and Farb, Inc. Between 2008 and approximately 2015, the Plaintiff was also an employee of Gold and Farb, Inc. who participated in the day-to-day operation of the business.
9. As the Plaintiff worked at the store, including cash register, he should have been able to observe and learn plenty of information concerning the way the business was operated.
10. Despite the Plaintiff's involvements in the day-to-day management of the store, the Plaintiff's Complaint, which alleges that the Defendants committed fraud, embezzlement and evaded taxes, is completely devoid of any facts which may form a basis of the Plaintiff's wholly conclusory statements that the Goldfarbs were involved in fraudulent activities. In view of this, the Plaintiff's alleged urgent need to obtain information from the Defendants rings hollow. In the Defendants' opinion the Plaintiff's discovery request, to a large degree, is a fishing expedition.
11. Nonetheless, the Defendants reported to counsel that they are diligently working on providing their counsel with the information and documents requested by the Plaintiff. However, in order to provide though and thoughtful response to the discovery the Defendants and their counsel need at least an additional 60 days.

WHEREFORE, the Defendants respectfully request this Court to issue an order extending the deadline for the responses to the first and the second sets of discovery for 60 days from the date thereof and to grant such other and further relief as is just and proper.

GOLD AND FARB, INC., LEV GOLDFARB,  
ALEXANDER GOLDFARB AND  
LYDMILA ROGALIN

By their attorney:



Vladimir von Timroth, Esq., BBO #643553  
LAW OFFICE OF VLADIMIR VON TIMROTH  
405 Grove Street, Suite 204  
Worcester, MA 01605  
(508) 753 2006 phone  
(774) 221 9146 fax  
[vontimroth@gmail.com](mailto:vontimroth@gmail.com)

Dated: April 28, 2016

A TRUE COPY, ATTEST  
  
DEPUTY ASST. CLERK

Exhibit A

**VLADIMIR VON TIMROTH, ESQ.**

ATTORNEY AT LAW  
405 Grove Street, Suite 204  
Worcester, MA 01605

Telephone (508) 753 2006

Facsimile (774) 221 9146

April 11, 2016

*Via e-mail*

Valentin David Gurvits, Esq.  
Boston Law Group, PC  
825 Beacon St., Suite 20  
Newton Centre, MA 02459

Re: Eugene Pelikov vs. Gold and Farb, Inc. et. al.  
Civil action #: 1577CV01902

Dear Attorney Val,

As you are aware, presently there are twelve items of the Plaintiff's discovery requests outstanding. My clients have been assembling documents and cooperating with the undersigned in preparation of their responses to you client's first set of interrogatories. The deadline for the responses to the first set of discovery expires on or about April 20, 2016.

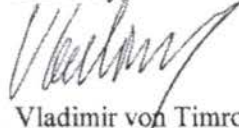
In addition, on April 8, 2016, before my clients were able to respond to the first set of discovery, you served additional three sets of interrogatories. Needless to say, you may have a legitimate need to seek more discovery before obtaining responses to your initial requests. My clients take their obligation to respond to very seriously, despite that it is unrealistic to expect that a thorough response to twelve discovery requests can be accomplished within the time frame allotted for this task by the Massachusetts Rules of Civil Procedure.

In view of this, I am requesting you to allow me 60 days from the date of this letter to complete the Defendants responses to the Plaintiff's discovery.

I expect that you will agree to my request without the need to seek a protective order or a motion to extend.

Please advise.

Sincerely,



Vladimir von Timroth

Encl.

CC: Gold and Farb, Inc.  
Lev Goldfarb



## Exhibit B



Vladimir von Timroth &lt;vontimroth@gmail.com&gt;

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discovery

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Val Gurvits &lt;vgurvits@bostonlawgroup.com&gt;

Mon, Apr 11, 2016 at 3:21 PM

To: Vladimir von Timroth &lt;vontimroth@gmail.com&gt;

Cc: Matthew Shayefar &lt;matt@bostonlawgroup.com&gt;

Hi Vlad,

I think you are misunderstanding the way additional discovery requests work. Each time you get a discovery request, you have 30 or 45 days starting from that particular request. That means that you and your client will have plenty of time to respond to the second set of discovery requests after you finish responding to the first set. But you can only given that the second set of discovery requests deals muley with your clients attempts to sell the business - there could not possibly be that many documents responsive to this issue. (In fact, I suspect that they did absolutely nothing to try to sell the store despite the promises that they made to Eugene) Therefore no additional time to respond is necessary.

I should also tell you that because my client has been asking for this information for many years, at this point he is unwilling to agree to further delays.

Best regards,

Val

Sent from my iPhone

[Quoted text hidden]

&gt; &lt;04 11 2016 Lt to Val Gurvits re extention.pdf&gt;

COMMONWEALTH OF MASSACHUSETTS

Essex, SS.

Eugene Pelikhov,

Plaintiff,

v.

Gold and Farb, Inc.,  
Lev Goldfarb,  
Alexander Goldfarb, and  
Lydmila Rogalin

Defendants.

**Trial Court Division  
Essex Superior Court  
Civil Action No.:  
1577CV01902A**

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXTEND TIME TO  
RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS**

Plaintiff Eugene Pelikhov, by and through undersigned counsel, hereby opposes Defendants' Motion to Extend Time to Respond to Plaintiff's Discovery Requests. This lawsuit arises out of two major issues: (1) Defendants' fraudulent and abusive acts and omissions against Plaintiff and (2) Defendants' freezing out Plaintiff from the corporation of which he is a shareholder and director, including by purposefully withholding documentation and information about the business and finances of the corporation (which Plaintiff alleges is because Defendants seek to hide the extent of their fraudulent and abusive acts). Now, after years of baselessly denying Plaintiff access to the vital records of the corporation and information about how Defendants have been operating the business that Plaintiff should be a part, Defendants seek to further delay and put off Plaintiff from receiving the documents and information which he is entitled.

Specifically, despite admitting in their Answer to the Complaint that Plaintiff was entitled to access all of the records of Defendant Gold and Farb, Inc. as its shareholder and director, Defendants for years simply ignored or flat-out denied Plaintiff access. And despite Plaintiff sending an official request in July of 2014 for access to those documents pursuant to Massachusetts General Laws, Chapter 156D, Section 16.04, which statutorily provides Plaintiff with access to the relevant records, Defendants again ignored the request and failed to provide Plaintiff access. Defendants have denied production of relevant documents for years, which is, *inter alia*, why Plaintiff was forced to file this lawsuit – so that it could get access to these documents that Defendants knew Plaintiff was requesting, was due to him and which Defendants refused to provide.

Now that Defendants forced Plaintiff's hand in filing the lawsuit, giving Plaintiff yet a third basis to which it would be entitled to access the documents – formal discovery under the Rules of Civil Procedure – Defendants are yet again attempting to deny and/or delay production of the documents and information to which Plaintiff has been entitled all along and which Defendants have known for years they were obligated to provide to Plaintiff.

Now, despite knowing that Plaintiff has had a right to these documents and information, and knowing that, under the Rules of Civil Procedure, they were required to produce responses to requests for production within thirty days and interrogatories within forty-five days, Defendants are requesting an additional sixty days to produce documents which they should have produced years ago. Given the undeniable failure of Defendants to comply with their obligations over the past years to produce documents, the request for additional time is clearly a further attempt to deny Plaintiff his rights and nothing more.

Plaintiff is concerned that giving Defendants any additional time to respond to the discovery requests will be time used by Defendants to “cook the books” to hide the extent to which they have already fraudulently damaged Plaintiff.

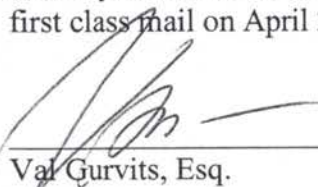
Defendants have already shirked their duties pursuant to the agreements they had with Plaintiff and pursuant to Massachusetts statute. They should not be permitted at this point to shirk their duties under the Rules of Civil Procedure as well. The longer Plaintiff is denied access to the documents and information to which he has always had a right, the further Plaintiff will be injured as Defendants continue to operate a fraudulent business denying Plaintiff his share.

For these reasons, Plaintiff requests that this honorable court deny any extension to the time to respond to the discovery requests.

Respectfully submitted,  
Eugene Pelikhov  
By his Attorneys,

**Certificate of Service**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first class mail on April 25, 2016.

  
Val Gurvits, Esq.

  
Valentin D. Gurvits (BBO# 643572)  
Tel: (617) 928-1804  
vgurvits@bostonlawgroup.com  
Matthew Shayefar (BBO# 685927)  
Tel: (617) 928-1806  
matt@bostonlawgroup.com  
BOSTON LAW GROUP, PC  
825 Beacon Street, Suite 20  
Newton Centre, MA 02459  
Fax: (617) 928-1802

Dated: April 25, 2016

  
A TRUE COPY ATTEST  
DEPUTY ASST. CLERK



COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

\_\_\_\_\_  
EUGENE PELIKHOV,  
  
Plaintiff

Trial Court Division  
Essex Superior Court  
Civil Action No. 1577CV01902A

vs.

GOLD AND FARB, INC.  
LEV GOLDFARB  
ALEXANDER GOLDFARB, AND  
LYDMILA ROGALIN,

Defendants  
\_\_\_\_\_

AFFIDAVIT OF COMPLIANCE UNDER RULE 9A

I, Vladimir von Timroth, attorney for the Defendants, Gold and Farb, Inc., Lev Goldfarb, Alexander Goldfarb and Lydmila Rogalin, hereby file the attached *Defendants' Motion to Extend Time to Respond to Plaintiff's Discovery Requests* and state, pursuant to Superior Court Rule 9A, that on April 14, 2016, a copy of the within Motion was sent to all counsel of record. On April 27, 2016, I received *Plaintiff's Opposition to Defendants' Motion to Motion to Extend Time to Respond to Plaintiff's Discovery Requests* which is being filed herewith.

Signed under the pains and penalties of perjury this 28<sup>th</sup> day of April, 2016.

  
Vladimir von Timroth BBO #643553

A TRUE COPY, ATTEST  
  
DEPUTY ASST. CLERK

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

TRIAL COURT DIVISION  
ESSEX SUPERIOR COURT  
CIVIL ACTION #: 1577CV01902A

EUGENE PELIKOV  
Plaintiff,

vs.


GOLD AND FARB, INC., LEV GOLDFARB,  
ALEXANDER GOLDFARB AND  
LYDMILA ROGALIN  
Defendants.

CERTIFICATE OF SERVICE

I, Vladimir von Timroth, do hereby certify that I provided a copy of the within

1. DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS WITH EXHIBITS "A" AND "B";
2. PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS;
3. AFFIDAVIT OF COMPLIANCE UNDER RULE 9A;
4. LIST OF DOCUMENTS.

by first class mail, postage prepaid this 28<sup>th</sup> day of April, 2016 to the parties below:

  
Vladimir von Timroth, Esq. BBO#643553

Eugene Pelikhov  
c/o Matthew Shayefar, Esq.  
Valentin David Gurvits, Esq.  
Boston Law Group, PC  
825 Beacon St., Suite 20  
Newton Centre, MA 02459

  
A TRUE COPY, ATTEST  
DEPUTY ASST. CLERK

COMMONWEALTH OF MASSACHUSETTS

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ESSEX, SS

TRIAL COURT DIVISION  
ESSEX SUPERIOR COURT  
CIVIL ACTION #: 1577CV01902A

EUGENE PELIKOV  
Plaintiff,

vs.

GOLD AND FARB, INC., LEV GOLDFARB,  
ALEXANDER GOLDFARB AND  
LYDMILA ROGALIN  
Defendants.

LIST OF DOCUMENTS


1. DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS WITH EXHIBITS "A" AND "B";
2. PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS;
3. AFFIDAVIT OF COMPLIANCE UNDER RULE 9A;
4. CERTIFICATE OF SERVICE.

GOLD AND FARB, INC., LEV GOLDFARB,  
ALEXANDER GOLDFARB AND  
LYDMILA ROGALIN

By their attorney:

  
Vladimir von Timroth, Esq., BBO #643553  
LAW OFFICE OF VLADIMIR VON TIMROTH  
405 Grove Street, Suite 204  
Worcester, MA 01605  
(508) 753 2006 phone  
(774) 221 9146 fax  
[vontimroth@gmail.com](mailto:vontimroth@gmail.com)

Dated: April 28, 2016

TRUE COPY, ATTEST  
  
DEPUTY ASST. CLERK

**VLADIMIR VON TIMROTH, ESQ.**

ATTORNEY AT LAW  
405 Grove Street, Suite 204  
Worcester, MA 01605

Telephone (508) 753 2006

Facsimile (774) 221 9146

April 28, 2016

Essex County Superior Court  
Clerk's Office  
56 Federal Street  
Salem, MA 01970

Re: Eugene Pelikov vs. Gold and Farb, Inc. et. al.  
Civil action #: 1577CV01902 *A*

Dear Sir/Madam:

Pursuant to Superior Court Rule 9A, enclosed please find the following:

1. DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS WITH EXHIBITS "A" AND "B";
2. PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS;
3. AFFIDAVIT OF COMPLIANCE UNDER RULE 9A
4. LIST OF DOCUMENTS;
5. CERTIFICATE OF SERVICE.

Sincerely,

*Vladimir von Timroth*  
Vladimir von Timroth

*Antoinette McDonald*  
**A TRUE COPY, ATTEST**  
DEPUTY ASS'T. CLERK

Encl.

Cc: Matthew Shayefar, Esq.  
Valentin David Gurvits, Esq.

**FILED**  
IN THE SUPERIOR COURT  
FOR THE COUNTY OF ESSEX

MAY 02 2016

*Thomas A. Marshall Jr.*  
CLERK



*Fleming and Miranda*  
ATTORNEYS AT LAW

RUSSELL J. FLEMING  
russell@flemingandmiranda.com

Telephone 781-395-1000  
Facsimile 781-395-3500

PETER MIRANDA, JR.  
pjr@flemingandmiranda.com

April 28, 2016

Essex County Superior Court  
56 Federal Street  
Salem, Massachusetts 01970  
Attention: Clerk's Department

**Re: Gary Wyrosdic d/b/a Wyrosdic Design & Construction, Corp.  
v. Karen A. Staskawicz  
Civil Docket #1577CV90509 A**

Dear Sirs or Madam:

Enclosed relative to the above, please find the following documents:

1. Document Title Page;
2. Motion for Final Default Judgment Pursuant to Rule 33(A);
3. Affidavit of Compliance with Superior Court Rule 9A and Receipt of No Opposition;
4. Notice of Filing; and
5. Certificate of Service.

Thank you for your attention to this matter. Kindly docket same and mark this for a hearing at your earliest convenience. If you have any questions, contact my office as soon as possible.

Very truly yours,

**FLEMING & MIRANDA**

*Russell J. Fleming*  
Russell J. Fleming, Esquire  
*Anton W. McLaughlin*  
A TRUE COPY, ATTEST  
DEPUTY ASST. CLERK

RJF:rm  
Enclosures

cc: Attorney Ann Delyani  
285 Commandants Way, Suite 11  
Chelsea, Massachusetts 02150

**FILED**  
IN THE SUPERIOR COURT  
FOR THE COUNTY OF ESSEX  
MAY 02 2016

*Thomas A. Russell*  
CLERK